



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

September 21, 2012

Brandon Little
Public Utility District No. 2 of Grant County
15655 Wanapum Village Lane
Beverly, WA 99321

RE: Order #9513 - Water Quality Certification for Huntzinger Road Boat Launch Recreation Area and Public Access Fishing Pier, Kittitas County near Wanapum Dam

Dear Mr. Little:

The request for certification for proposed work in wetlands and adjacent to the Columbia River has been reviewed. On behalf of the State of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Catherine Reed at (509) 575-2616. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeff Lewis
Section Manager, Central Regional Office
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 7009 2250 0004 4951 1201

cc: Corps of Engineers – Karen Urelus
WDFW – Eric Bartrand
ecc: Kittitas County – Dan Valoff
Ecology SEA HQ – Jessica Moore
Darrell Pock – Grant County Public Utility District

IN THE MATTER OF GRANTING A)	ORDER # 9513
WATER QUALITY)	Corps Reference No. NWS-2012-192
CERTIFICATION TO)	
Public Utility District No. 2 of Grant)	Construction of a boat launch, fishing pier and
County, in accordance with 33 U.S.C.)	associated wetland mitigation plantings along the
1341 (FWPCA § 401), RCW 90.48.120,)	Columbia River in the vicinity of Wanapum
RCW 90.48.260 and Chapter 173-201A)	Dam. Some mitigation planting will occur at
WAC)	the Sand Hollow Recreational Area about 4
		miles upriver from Wanapum Dam

TO: Brandon Little
Public Utility District No. 2 of Grant County
15655 Wanapum Village Lane,
Beverly, WA 99321

On March 9, 2012, Public Utility District No. 2 of Grant County (Applicant), submitted a revised Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A public notice for a proposed water quality certification from Ecology was distributed by the U.S. Army Corps of Engineers for the above-referenced project on July 9, 2012.

The project entails work along the Columbia River (boat launch and mitigation site in and adjacent to the Priest Rapids Reservoir, and fishing pier and mitigation site in and adjacent to Wanapum Reservoir). The boat launch project site and its mitigation area is just below Wanapum Dam and the fishing pier project is located just above the dam. Both projects and one of the mitigation areas are located on the right bank (west side) of the Columbia River in section 20, Township 16N, Range 23 East of the Willamette Meridian (EWM), Water Resource Inventory Area (WRIA) number 40. The mitigation site for the fishing pier is located on the east bank of the Columbia River in Grant County, section 33, Township 17 N, Range 23 EWM, WRIA number 41 at the Sand Hollow Recreational Area.

The **Boat Launch** project will be located at the Huntzinger Road Recreational Area and will include construction of a 180-foot long boat launch ramp. Grading and placement of 80 cubic yards of material underneath the proposed ramp slab, placement of steel rails, and placement of 28-foot wide precast concrete ramp planks will all occur within the Ordinary High Water Mark (OHWM) of the water. Above the OHWM, the ramp will be composed of cast-in-place concrete sections. A launch float 8 feet wide by 144 feet long, composed of six individual float sections will be installed. The float sections will be grated with a minimum of 50 percent open area. Six 12-inch diameter piles will be installed to secure the launch float. A floating turbidity barrier will be installed to contain the work area. Also included in the work activities is the installation of Americans with Disabilities Act (ADA) ramps and access paths, construction of stormwater facilities, interpretive panels and a vault toilet. Approximately 58 cubic yards of fill will be placed in the wetland buffer southwest of the boat launch.

The steel **Fishing pier** will be located just upstream of Wanapum dam. The pier will be 8-feet wide by 70-feet long, supported by two in-water steel pile bents and one concrete shoreline abutment. Each pile bent would be supported on two or three 12-inch diameter steel piles. The piles would be installed using a vibratory hammer or drilled shaft construction method. Grating on the pier surface would be at least 50 percent open. Six existing concrete bulkheads will be removed (totally approximately 400 square feet) and then twenty-nine cubic yards of new riprap would be placed along 14 linear feet of shoreline around the fishing pier abutments. Other work landward of the OHWM would include construction of a concrete access ramp and sidewalk, and installation of interpretive panels and a vault toilet.

The **Mitigation Area on Priest Rapids Reservoir** will be used to mitigate for the overwater impacts at the Huntzinger Road Recreation Area, totaling 2576 square feet of over water or in-water impacts and involves planting native riparian vegetation, primarily willows and black cottonwood in the cobbly riparian area. Approximately 7,850 square feet will be planted. An excavator mounted stinger would be used to create pilot holes for the plantings to assure that plants can reach the seasonally low water table for survival success. After planting, any disturbed upland areas will be re-seeded with native grasses.

The **Mitigation Area at the South Sand Hollow Site** will be used to provide a portion of the mitigation requirements for impacts from the boat launch and the fishing access pier. Mitigation will involve removing non-native and invasive species from an existing wetland, and planting native vegetation by hand. The mitigation area will be 3500 square feet in size. The mitigation area will then be fenced to protect it from human intrusion.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean Public Utility District No. 2 of Grant County, and their agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Central Regional Office, Attn: Federal Permit Coordinator, SEA Program, 15 West Yakima Avenue, Suite 200, Yakima, Washington 98902. Any submittals shall reference Order No. 9513, and Corps No. **NWS-2012-192**.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on March 9, 2012. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of an updated JARPA Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
6. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.

8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
10. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
11. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
12. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

B. No Further Impairment of Existing Water Quality:

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200 (1)(e)(i).
2. The Columbia River has been identified on the current 303(d) list as exceeding state water quality standards for temperature; 4,4-DDD; 4,4-DDE; and PCBs. This proposed project shall not result in further exceedances of these standards.
3. A written log of daily visual inspection of the integrity of the silt curtain/turbidity barrier shall be made and kept on site during the time that the silt curtain is in place. The log shall include the time of the inspection, the name of the person doing the inspection, whether there is noticeable turbidity, and if so, what action was taken.

C. Timing:

1. This Order is valid until all the conditions of this Order have been met.

2. In-water work shall be subject to the timing limitations imposed by the most current Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife's (WDFW) for this project.

D. Wetland Mitigation and Monitoring:

1. The Applicant shall mitigate wetland impacts as described in Appendix B to the JARPA received by Ecology on March 9, 2012 (hereafter called the "Mitigation Plan") submitted by J. Darrell Pock, or as modified by this Order or revised and approved by Ecology.
2. A status report on the mitigation construction must be submitted to Ecology, 13 months from the date of permit issuance if the wetland mitigation plantings have not yet taken place. Otherwise, wetland mitigation area monitoring reports shall be sent to Ecology for years one and three from the date of planting. If more than 50 percent of originally installed plants need to be replanted at year three, an additional wetland mitigation report will be required for submittal to Ecology at year 5 from the date that the site was originally planted. Mitigation goals for the site shall be at least 50 percent aerial coverage by live native plants three years after the date of planting.
3. The Applicant shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.
4. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrent with, impacting wetlands or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
5. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers at the wetland mitigation site and above the 100-year floodplain.
6. The Applicant shall ensure that no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
7. The Applicant shall ensure that no construction debris is deposited within existing wetland and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology approved Mitigation Plan.

8. The Applicant shall not use polyacrylamide on exposed or disturbed soil at the mitigation site(s). If tackifiers are used within the project area, they must be applied in such a manner as to not degrade water quality.
9. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).
10. If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed control. Non-biodegradable plastic weed-barrier fabric shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
11. If seeding is used at the wetland mitigation site, the seed mix must contain only native, non-invasive plant species, unless otherwise approved by Ecology.

E. Notification Conditions:

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Central Regional Office Federal Permit Coordinator annually, in writing at least three (3) days prior to the start of dredge and fill at the project site.
2. The Applicant shall provide written notification to Ecology's Central Regional Office Federal Permit Coordinator in annually, writing within fourteen (14) days after completion of dredge and fill.

NOTE: These notifications shall include the Applicant's name, project name, Order No. 9513, Corps Reference No. NWS-2012-192, project location, contact and contact's phone number.

F. Water Quality Monitoring and Reporting Conditions:

1. During and immediately after project construction, the Applicant or their contractor shall visually monitor for turbidity discharges at the point of compliance established in WAC 173-201A-200(1)(e)(i). If water quality exceedances are observed outside of the point of compliance, work shall cease immediately and the Applicant or the contractor shall assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further water quality turbidity exceedances. The Applicant or their contractor shall notify Ecology's Central Regional Office Federal Permit Coordinator at (509) 454-4260 of the exceedances.

2. If the results of the monitoring show that the water quality standards or project performance standards are not being met additional monitoring and mitigation may be required.
3. Any changes to the monitoring requirements must be approved in writing by Ecology.

G. Construction:

1. Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control, and best management practices suitable to prevent exceedances of state water quality standards (e.g., hay bales, detention areas, silt fences, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites.
2. Prior to clearing and grading in wetlands, the adjacent wetlands shall be protected from construction impacts. Construction fencing or flagging (using brightly colored tape at no less than twenty-five foot (25') intervals) of the existing wetlands and stream channels to be protected shall be completed prior to clearing. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels that are not authorized to be filled.
4. During clearing and filling at the various project sites, the Applicant shall take all necessary measures to minimize the alteration or disturbance of existing wetland and upland vegetation.
5. No existing shoreline or lake material (i.e., logs, rocks, gravel, cobbles, woody debris or other lakebed material,) shall be used as bulkhead armor, or for any other purposes, except that work described in the JARPA received by Ecology on March 9, 2012.
6. Any dredge spoils will be deposited upland, according to the plans provided to Ecology prior to the start of construction activity. Dredge spoils are not be allowed to enter OHWM or the wetted perimeter of the Columbia River.
7. All equipment must be clean and free of oils, hydraulic fluid, and other contaminants prior to entering all areas below the OHWM of the Columbia River.
8. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
9. Clean Fill Criteria: The Applicant shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.

H. Emergency/Contingency Measures:

1. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, including wetlands, or onto land with the potential for entry into state waters is prohibited. If these occur In the event the Applicant is unable to comply with any of the permit terms and conditions due to any cause, the Applicant shall:
 - (i) Cease operations that are causing the compliance problem.
 - (ii) Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - (iii) Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at (509) 575-2490, and within 24 hours to Ecology's Federal Permit Coordinator at (509) 454-4260.
 - (iv) Submit a detailed written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
2. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters. No refueling of equipment shall occur over, or within 100 feet of creeks, rivers, lakes, or wetlands.

I. Your Right to Appeal

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this Order:

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Address and Location Information

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Rd SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Contact Information

Please direct all questions about this Order to:

Catherine Reed
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, WA 98902
509-575-2616
craj461@ecy.wa.gov

More Information

Pollution Control Hearings Board Website
www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 34.05 RCW – Administrative Procedure Act
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>

Chapter 90.48 RCW – Water Pollution Control
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

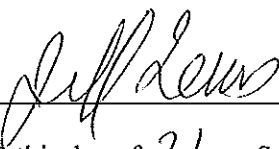
Chapter 173.204 WAC – Sediment Management Standards
www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html



DATED this day of 21 September, 2012 at Yakima, Washington.

Jeff Lewis, Section Manager
Shorelands & Environmental Assistance Program
Central Regional Office – Ecology
State of Washington

ATTACHMENT A

**Public Utility District No. 2 of Grant County
Water Quality Certification Order #9513**

**Statement of Understanding of
Water Quality Certification Conditions**

I have read and understand the conditions of Order #9513 Section 401 Water Quality Certification for the Huntizinger Road Boat Launch Recreation Area and Public Access Fishing Pier Project (Project). I have also read and understand all permits, plans, documents, and approvals associated with the Project referenced in this order.

Printed Name

Signature

Date

Title

Company

Sign and date ATTACHMENT A and mail the original to:

Ecology's Central Regional Office
Attn: Federal Permit Coordinator
SEA Program
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902